

**To:** David A. Cook[lawbydave@gmail.com]  
**From:** Sisk, Richard  
**Sent:** Mon 10/26/2015 9:12:39 PM  
**Subject:** RE: SMPA EASEMENTS

Dave – Any word on the redrafted easement?

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409  
E-mail: sisk.richard@epa.gov

NOTICE: The information contained in this e-mail is intended only for the use of the recipient(s) named above. This message and any attachments may contain confidential or privileged information. If the reader is not the intended recipient or an agent responsible for delivering it to the intended recipient, you have received this document in error and any review, dissemination, disclosure, distribution, use, or copying of the contents of this message is strictly prohibited. If you have received this communication in error, please notify me immediately by e-mail or telephone and destroy all copies of the original message and any attachments.

**From:** David A. Cook [mailto:lawbydave@gmail.com]  
**Sent:** Thursday, October 22, 2015 3:34 PM  
**To:** Sisk, Richard  
**Subject:** RE: SMPA EASEMENTS

I will get back to you tomorrow am.

David A. Cook  
David A. Cook, P.C.  
6 S Tejon St Ste 400  
Colorado Springs, CO 80903  
(719) 634-6736

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is

prohibited. If you have received this message in error, please advise the sender by reply e-mail and destroy all copies of the original message.

Any tax advice in this communication, including attachments, is not intended or written to be used and cannot be used for the purposes of avoiding federal tax penalties. Any advice in this communication is limited to the conclusions specifically set forth herein and is based on the completeness and accuracy of the stated facts, assumptions and/or representations included.

**From:** Sisk, Richard [<mailto:Sisk.Richard@epa.gov>]  
**Sent:** Thursday, October 22, 2015 12:50 PM  
**To:** David A. Cook ([lawbydave@gmail.com](mailto:lawbydave@gmail.com))  
**Cc:** Way, Steven; Rudy, Michael  
**Subject:** FW: SMPA EASEMENTS

Dave – EPA heard back from San Miguel Power (SMPA). They are unwilling to accept the easement as edited by Mr. Hennis, see comments below. SMPA has sent a redraft, see above, that they would be willing to accept. Please let us know if your client is willing to sign this redrafted easement.

In regards to the warranty of title issue, is there some way that EPA could help with this issue using some of the title documents pulled for EPA's PRP search report?

The concerns number 2 & 3 below arose from the adjoining properties draft easement.

I realize this is awkward trying to negotiate an easement this way. Please let me know how EPA can assist.

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409

E-mail: [sisk.richard@epa.gov](mailto:sisk.richard@epa.gov)

NOTICE: The information contained in this e-mail is intended only for the use of the recipient(s) named above. This message and any attachments may contain confidential or privileged information. If the reader is not the intended recipient or an agent responsible for delivering it to the intended recipient, you have received this document in error and any review, dissemination, disclosure, distribution, use, or copying of the contents of this message is strictly prohibited. If you have received this communication in error, please notify me immediately by e-mail or telephone and destroy all copies of the original message and any attachments.

Begin forwarded message:

**From:** "Matt Francis" <[m.francis@erllc.com](mailto:m.francis@erllc.com)>  
**To:** "Way, Steven" <[way.steven@epa.gov](mailto:way.steven@epa.gov)>, "Guy, Kerry" <[Guy.Kerry@epa.gov](mailto:Guy.Kerry@epa.gov)>  
**Subject:** Fwd: SMPA EASEMENTS

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

----- Original message -----

From: Jeremy Fox <[jeremy@smpa.com](mailto:jeremy@smpa.com)>  
Date: 10/21/2015 9:56 AM (GMT-06:00)  
To: Matt Francis <[m.francis@erllc.com](mailto:m.francis@erllc.com)>  
Cc: Duane DeVeney <[Duane@smpa.com](mailto:Duane@smpa.com)>  
Subject: SMPA EASEMENTS

Mr. Francis,

Duane forwarded the easement documents that you sent to him regarding a project for the Gold King Mine and a proposed primary power extension. While we are amenable to small wording changes if approved, SMPA cannot agree to the proposed changes to our standard underground easement. I have several concerns addressed below...

- 1 SMPA requires that the Grantor(s) warrant title to the easement area. Depending on the nature of the prior encumbrances, this warranty may be subject to those matters.
- 2 There is no Grantor listed for the LCM Mill Site on the second attachment.
- 3 SMPA will not agree to the addendum wording. You will be responsible for contacting SMPA upon any type of termination requests of an existing easement. Relinquishment of an existing easement must be board approved.

I have consulted with our legal counsel and attached new drafts that SMPA is willing to

accept. Please have these attachments signed and notarized. SMPA will file the attached exhibit with both easements. I understand the project is under stress to move forward and hope this is not a major set-back, however we must have the proper easements in place before installing SMPA facilities.

Thank You,

Jeremy Fox  
Service Planning Supervisor

[SMPA Logo 4Color Sml]

San Miguel Power is an equal opportunity provider & employer.

PO Box 1150  
720 N. Railroad St.  
Ridgway, Co 81432  
970.626.5549 x202

Ridgway Office Open: Tues-Fri  
Nucla Office Open: Mon-Thurs

Confidentiality Warning: This e-mail and any attachments contain information intended only for the use of the individual or entity named above. If the reader of this e-mail is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, any dissemination, publication or copying of this e-mail is strictly prohibited. Although this email has been scanned for malware, the sender does not accept any responsibility for any loss, disruption or damage to your data or computer system that may occur while using data contained in, or transmitted with, this e-mail. If you have received this e-mail in error, please immediately notify by return e-mail. Thank you.

\*\*\*\*\* ATTACHMENT REMOVED \*\*\*\*\*

This message contained an attachment which the administrator has caused to be removed.

\*\*\*\*\* ATTACHMENT REMOVED \*\*\*\*\*

Attachment name: [image001.jpg]  
Attachment type: [image/jpeg]